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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

WALTER HULSEY,

Case No. 1:18-cv-01277

Plaintiff,

v.

**DEFENDANT'S NOTICE OF
REMOVAL**

WALMART INC.,

JURY TRIAL DEMANDED

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a), Defendant Walmart, Inc. ("Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Josephine to the United States District Court for the District of Oregon, Medford Division.

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RELEVANT FACTS

On July 3, 2018, Plaintiff served Defendant with a Summons and Complaint captioned *Hulsey Walter v. Walmart, Inc.* Case No. 18CV26665, filed in the Circuit Court for the State of Oregon for the County of Josephine. *See* Declaration of Jessica Lancaster (“Lancaster Decl.”), ¶2. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *Id.* These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principle claims for relief against Defendant exceed \$75,000. Plaintiff seeks damages of \$118,000. Complaint ¶11.

2. Plaintiff and Defendant are residents of different states. Plaintiff resides in Oregon and Defendant is a Delaware foreign business corporation registered in the State of Oregon. *See* Complaint ¶1; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Defendant is headquartered in Arkansas. Lancaster Decl., ¶3. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendant. A copy of the Affidavit of Service provided by Plaintiff is attached hereto as Exhibit C. Lancaster Decl., ¶2.


4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Josephine as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Josephine and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Oregon for the County of Josephine and placed on the docket of the United States District Court for the District of Oregon in the Medford Division.

Dated this 18th day of July, 2018.

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